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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29673 7590 06/08/2010  
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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

06/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/10 has been entered.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28, 30-39, 43-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner considers based on the new remarks with the better explanation of the intention of the phrase "increasing aggregate magnetic attraction between sealing loops and thereby overcome said bias of said ridges of said resiliently flexible seal" that this feature is not described in the

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specification. The first issue is that based on the description given in the remarks there appears to be a need for the poles of the magnetic strips to be disclosed in order to understand how the aggregate magnetic attraction works and in the specification the examiner could not find any discussion of the poles.

3. The second issue coincides with the enablement requirement as seen below in that it appears the sealing loops would not function as described. As clearly described in the remarks section describing the sealing loops functioning as single ridged plane, which the examiner agrees they would have to be in order to be able to operate as described to overcome an aggregate magnetic attraction. The issue being that they are not disclosed in the specification as a single rigid plane, they are disclosed and claimed as being resiliently flexible. Therefore if the aggregate (sum) of attraction is to be greater then the aggregate (sum) of the force of the bias of the ridges when the loops are aligned, then it follows (since it appears each loop is of a consistent cross section structure through the entire loop) that an individual cross section of the side portion of the two sealing loops has an individual magnetic attraction that is greater then individual bias of the ridges. Therefore if the cross section does have a greater magnetic bias then due to the flexible nature of the seal, that cross section would then overcome the bias of the ridges and therefore would not maintain a clearance between the webs.

4. Claims 28, 30-39, 43-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in

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the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As described above with flexible seals and no magnetic poles specified one of ordinary skill in the art would not understand how the aggregate magnetic attraction of the sealing loops would operate as claimed and disclosed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 28, 30-39, and 43-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. It is unclear that the ridges only maintain a clearance between the web and a cooperating sealing surface when the loops out of mutual alignment and not at all times as implied by the paragraph in the claim. It is also unclear and conflicting with the next paragraph in the claim that recites overcoming the bias of the ridges when the loops are in alignment since both cannot happen at the same time/position.

### ***Response to Arguments***

8. Applicant's arguments, filed 5/24/10, with respect to the art rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new 112.1 rejections have been made. The examiner considers the art cited to not teach a loop having ridges that are capable of both maintaining a clearance between the web and sealing surface when the loops are

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out of alignment and overcoming the same bias when the loops are in alignment. The examiner also does not consider the specification to clearly support the dual operation of the sealing loops since the loop is flexible and poles of the magnets are not discussed. Therefore the examiner does not understand how the loops would operate as claimed without some special alignment of the poles of the magnets or with the loop being a rigid plane.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./  
Examiner, Art Unit 3637  
6/1/2010

/Darnell M Jayne/  
Supervisory Patent Examiner, Art  
Unit 3637